

EXHIBIT S

REPORTER'S RECORD
VOLUME 1 OF 1 VOLUMES
CAUSE NO. 2015-03795J

IN THE INTEREST OF) IN THE DISTRICT COURT
D [REDACTED] T [REDACTED] AND P [REDACTED] T [REDACTED])
CHILDREN) HARRIS COUNTY, TEXAS
) 314TH DISTRICT COURT

COURT TRIAL

On the 23rd day of June, 2016 the following
proceedings came on to be heard in the above-entitled
numbered cause before the Honorable John Phillips, Judge
presiding, held in Houston, Harris County, Texas.

Proceedings reported by Computerized Stenographic
Machine Method.

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P R O C E E D I N G S

MR. NGUYEN: All right, Your Honor. We are here at a final trial in the interest of D [REDACTED] and P [REDACTED] T [REDACTED], cause number 2015-03795J. Present before the Court, Mr. Michael Craig is the attorney ad litem for the children. Mr. Shandon Phan is the attorney for the father Trang Vu who is present with us today. D.F.P.S. caseworker, myself DanPhi Nguyen the Harris County Attorney's Office.

THE COURT: That's not everybody that's here.

MR. NGUYEN: Well these are my witnesses, Your Honor.

THE COURT: Okay.

MR. PHAN: Judge, we filed a motion for continuance for good cause and also to protect the respondent right to a fair counsel -- to a fair trial and effective counsel.

THE COURT: Well now where do you come in? Are you gonna be the effective counsel?

MR. PHAN: I would need to co-counsel --

THE COURT: I'm sorry? You would need what now?

MR. PHAN: For today, I would be his counsel of record, Your Honor. But due to the fact that the State allege my client, being a person of interest in the criminal case --

1 THE COURT: Who's the State?

2 MR. PHAN: The State?

3 THE COURT: Yes.

4 MR. PHAN: The county. CPS.

5 THE COURT: You mean you're talking about
6 like the DA's office?

7 MR. PHAN: No. I'm talking about Mr. DanPhi
8 Nguyen representing CPS.

9 THE COURT: He represents CPS. And you do
10 realize he has no criminal jurisdiction.

11 MR. PHAN: Correct. But they do bring in the
12 criminal element base on the entire provocation that my
13 client --

14 THE COURT: He may inadvertently offend your
15 client too. What would you suggest would be the --

16 MR. PHAN: Well that's not --

17 THE COURT: -- right thing to do if he's,
18 let's say, made allegations that simply offended your
19 client? Would that be a bad thing, too?

20 MR. PHAN: I don't object that. I totally
21 accept that.

22 THE COURT: Well I trust that he won't do
23 that.

24 MR. PHAN: I'm asking the Judge to consider
25 the fact that throughout the first half of the case --

1 THE COURT: I'm sorry?

2 MR. PHAN: Throughout the first half of the
3 case, we have up grade based on the assumption that my
4 client finish every term of the family service plan, family
5 reunification.

6 THE COURT: That's a good thing though,
7 right? If he finished the service plan? That's --

8 MR. PHAN: That would be satisfactory.

9 THE COURT: That would be a good thing.

10 MR. PHAN: Yes, Your Honor.

11 THE COURT: You would think you would want to
12 strike while the iron was hot on that one. In case he, you
13 know, relapsed or something, you know in the interim.

14 MR. PHAN: Well --

15 THE COURT: If you were to be granted a
16 continuance, let's say. A relapse is a bad thing. It could
17 happen.

18 MR. PHAN: We did not discover that three key
19 witnesses who can show H.P.D. investigation was, in fact,
20 totally inaccurate. For example, a --

21 THE COURT: What do you mean you didn't
22 discover?

23 MR. PHAN: For example --

24 THE COURT: Well no, no. What I want to know
25 is -- I mean the case, you know, started in over -- quite a

1 year ago, almost a whole year.

2 MR. PHAN: Yes, Your Honor.

3 THE COURT: And the statute provides for a
4 year for people to do whatever they need to do to be
5 rehabilitated, be reunited, which is, you know, something I
6 think is a good goal.

7 MR. PHAN: Well we met many times.

8 THE COURT: But when you say, we didn't
9 discover it, I mean do you want me to -- I mean I need to
10 understand who is we?

11 MR. PHAN: The respondent.

12 THE COURT: The respondent. So you're
13 blaming it on the respondent?

14 MR. PHAN: No, the respondent --

15 THE COURT: The respondent.

16 MR. PHAN: We met many times.

17 THE COURT: The respondent failed to discover
18 something that you felt like --

19 MR. PHAN: Because he didn't know, Your
20 Honor. He didn't know what other witnesses said to the --

21 THE COURT: So I guess my next question would
22 be, what did he do to try to determine who those witnesses
23 were?

24 MR. PHAN: Well accident. Not by his own
25 effort.

1 THE COURT: I mean.

2 MR. PHAN: I had recently --

3 THE COURT: Did anybody that -- you're aware
4 of, did anybody intentionally mislead this person or block
5 this person from information that would have, you know,
6 given him the names of witnesses?

7 MR. PHAN: You're talking about my client
8 Mr. Vu?

9 THE COURT: You know what I'm trying to do is
10 just answer your questions and have a dialogue with you
11 about it.

12 MR. PHAN: Yes, Your Honor.

13 THE COURT: You understand?

14 MR. PHAN: So what happened was, there was
15 this lady who came into my office and -- to ask me to do
16 another legal service for her. But through the interaction,
17 I discover that this was somehow involved in this business,
18 which I never have knowledge of. And she told me that she
19 was the person that discovered the body of the decedent.
20 Now on the police report, throughout the whole process,
21 H.P.D. maintained that my client have -- was the first
22 person discover that. Given that on something so
23 fundamental and basic is that they make a mistake.

24 THE COURT: What is so fundamental and basic?
25 Seems pretty ordinary to me that, you know --

1 MR. PHAN: Well the fact that if they
2 accusing my client of being a suspect or having anything to
3 do with the mother, his wife, it was robbery of his store.
4 The testimony of the business partner who was there on that
5 day who witnessed potential suspects several times. It was
6 a Vietnamese nail salon demonstration conducted entirely in
7 Vietnamese language. Yet there was sound -- or African
8 American male visiting the store several time during the
9 day. None of those facts were shown on investigation
10 report.

11 MR. NGUYEN: Your Honor, I would object to
12 counsel testifying.

13 THE COURT: Well let him talk. He's all
14 right.

15 MR. NGUYEN: Okay.

16 THE COURT: Go ahead.

17 MR. PHAN: And when there are these key
18 witness who are living -- two living out of the state and
19 one is currently in Vietnam on vacation are willing to
20 testify on my client behalf. That they suspect those
21 individuals was shopping the event. They have every --
22 there was every reason to suspect that there was a lot of
23 cash on that day. They were conducting a class attracting
24 over 25 students. Each student pay cash to attend the
25 class. How would an event conducted in Vietnamese to

1 Vietnamese community on nail techniques and products attract
2 three African American male to visit the store and ask
3 them --

4 THE COURT: How would it -- you're, you know,
5 I'm not sure who built the pyramids. I mean you're asking
6 me to answer a question that I don't know that anybody has
7 the answer. Obviously --

8 MR. PHAN: Well I think there was other fact
9 that --

10 THE COURT: Well I understand what you think.

11 MR. PHAN: Other parties try to draw
12 conclusion in this.

13 THE COURT: What you think, you know,
14 that's --

15 MR. PHAN: Judge, you asking my client by
16 himself, with very limited financial resources. He lost his
17 business. He lost his wife. He lost his children. He lost
18 his home.

19 THE COURT: Well I'm really sorry about that.

20 MR. PHAN: He didn't have the means to
21 fight --

22 THE COURT: I don't have anything extra
23 really either. I don't know what you --

24 MR. PHAN: Well my point is --

25 THE COURT: I like it that you started into

1 some facts and now you've kind of brought yourself to the
2 emotional appeal and that's --

3 MR. PHAN: No, it's not emotional appeal,
4 Your Honor.

5 THE COURT: I want to hear your entire
6 spectrum but --

7 MR. PHAN: Which, Your Honor --

8 THE COURT: -- I'm having a hard time
9 developing agreement, but I'm trying.

10 MR. PHAN: Okay. Thank you for the
11 opportunity.

12 THE COURT: So can you summarize very briefly
13 why this case should be --

14 MR. PHAN: Continued.

15 THE COURT: -- continued?

16 MR. PHAN: Yes, Your Honor.

17 THE COURT: Because I haven't heard it yet.

18 MR. PHAN: Yes. There are different arrows
19 pointing at my client --

20 THE COURT: Uh-huh.

21 MR. PHAN: -- for the previous domestic
22 violence.

23 THE COURT: Well now that would be pretty
24 normal --

25 MR. PHAN: Correct.

1 THE COURT: -- if he was alleged by CPS to
2 have done something either to a person, a mother of the kids
3 or whatever that resulted in maybe the removal of kids; and
4 then the case develops and certain facts exist or don't
5 exist and then we get down to a final hearing. And then you
6 come up and say, well you know, I don't know that if that's
7 right, because gosh, the facts may have developed to the
8 extent that other people think he may have been more than
9 just involved in a CPS case and somehow that's supposed to
10 prevent our CPS case. So I don't know.

11 MR. PHAN: Because the plan, the stated plan
12 on record --

13 THE COURT: The what?

14 MR. PHAN: The state --

15 THE COURT: The state had what?

16 MR. PHAN: The CPS goal on record was for
17 family reunification.

18 THE COURT: Well now CPS is -- you know,
19 they're important in these cases because they bring the
20 petition but they don't make the decisions. It's not even
21 really necessary, in my mind, that they state a goal.
22 Although I think it's a fair thing because it gives people,
23 kind of -- parents notice of what they maybe need to do or
24 where they have failed and where they need to pick it up.
25 But it has no real influence on me.

1 MR. PHAN: I agree with that. But then the
2 reason why they agree to family reunification was because
3 there was no injury to the children. None. There was no
4 recent domestic violence incidents.

5 THE COURT: Well you're starting to waste our
6 time right now, making your final argument. Because when
7 you say things like, there's no injury to the children, you
8 must think that I'm dumb enough to think that the only
9 injuries to a child would be a physical injury.

10 MR. PHAN: I agree that's mental and
11 emotional.

12 THE COURT: I think you were doing well for a
13 while there and now you're not doing as well.

14 MR. PHAN: I'm sorry, Your Honor. I'm
15 trying.

16 THE COURT: I'm gonna give you another minute
17 or two to convince me that the case should be continued, but
18 if I were you, I'd get right to the point.

19 MR. PHAN: Yes, sir. There are three key
20 witnesses.

21 THE COURT: And here's the thing. If you
22 have a couple things, you better start with the best one
23 first.

24 MR. PHAN: Yes. There are three key
25 witnesses. Two of them business partners who know both the

1 incident and the husband inside out.

2 THE COURT: So whatever happened in this
3 family that caused the children to be removed by CPS, these
4 people were eye witnesses to these?

5 MR. PHAN: Correct, Your Honor.

6 THE COURT: So they were in the home.

7 MR. PHAN: Yes.

8 THE COURT: And they provided statements to
9 CPS that something happened that didn't happen.

10 MR. PHAN: Yes.

11 THE COURT: Is that what you're trying to
12 say?

13 MR. PHAN: Yes, they know the family.

14 THE COURT: I don't see that in here. Now
15 what else? That was your best one now. Remember it has to
16 be the best one.

17 MR. PHAN: Yes.

18 THE COURT: Okay.

19 MR. PHAN: They can also testify that they
20 are the ones who advise both the decedent and Mr. Vu to file
21 for divorce as a trick against CPS.

22 THE COURT: Okay. Now here's the problem you
23 have. And this is the last time I'm gonna explain what your
24 problems are. See if what you said were true, I'm not gonna
25 doubt you because I'm gonna presume that you're an honored

1 member of the bar. But if what you said were true, those
2 facts and circumstances and knowledge on the part of those
3 people existed at the very beginning of the case.

4 MR. PHAN: Yes.

5 THE COURT: And any decent preparation would
6 have included those people for the final hour which we are
7 here today.

8 MR. PHAN: Your Honor --

9 THE COURT: Now I think you're gonna learn a
10 lot more by listening than you are by talking. You haven't
11 done so good so far by talking. So what I'm telling you is
12 that if the people were there in the inception of the case
13 and they were known to be important, then there was ample
14 opportunity to make sure they were there. So -- at the
15 final where we are today. And they're not. And you want to
16 make some allowance for that, which seems that it can only
17 be through some fault of the person who claims they need
18 them the most. Now if they went missing or if they were in
19 a car wreck and incapacitated or something, I might feel a
20 little more inclined to go with you.

21 MR. PHAN: And on top of that, also two
22 witness can testify that they saw potential suspects on that
23 day.

24 THE COURT: You know you keep telling me what
25 witness can testify but you can't seem to tell me why you

1 don't have them here ready to testify. Here's the deal.

2 MR. PHAN: Well I can explain to Your
3 Honor --

4 THE COURT: Whatever your request is, is
5 officially denied. Now are you ready to go forward today?

6 MR. PHAN: Can I have my last --

7 THE COURT: Can you have your what?

8 MR. PHAN: -- request? Can I have my last
9 request?

10 THE COURT: Your request is denied. I've
11 heard everything you have to say.

12 MR. PHAN: Okay. Thank you, Your Honor.

13 THE COURT: Okay. Is everybody ready to go
14 forward?

15 MR. CRAIG: Ready, Judge.

16 MR. PHAN: Yes, sir.

17 THE COURT: All right.

18 MR. NGUYEN: Offering what's marked as P1.
19 This is the --

20 THE COURT: We have all the parties?

21 MR. NGUYEN: Yes, Your Honor.

22 THE COURT: Let's go through it again. I was
23 listening to you and not marking everybody down. We got --

24 MR. NGUYEN: Mr. Michael Craig ad litem for
25 the children. Mr. Shandon Phan attorney representing the

1 father.

2 THE COURT: Representing who, just the
3 father?

4 MR. NGUYEN: Of -- just the father.

5 THE COURT: Okay. Is there a mother in the
6 case?

7 MR. NGUYEN: Mother's deceased.

8 THE COURT: Mother's deceased. Okay.

9 MR. NGUYEN: My witnesses, Officer Gilbert
10 and Ms. Judy Nguyen.

11 THE COURT: And you, sir?

12 SPEAKER: I'm just kind of shadowing him.

13 THE COURT: Shadowing.

14 SPEAKER: Yes.

15 MR. NGUYEN: Ms. Judy Nguyen, she's the
16 children's therapist.

17 THE COURT: Children's therapist. Very good.
18 All right. Here we go.

19 MR. NGUYEN: P1 is the citation for the
20 father.

21 P2 is the birth certificate of the child. P2 and
22 P3 are the birth certificates of the children.

23 P4 and P5 are the certificates of continuing
24 jurisdiction.

25 P6 and P7 is the DNA test for Mr. Trang Vu. He is

1 the father of both kids.

2 P8 is the family service plan for Mr. Vu.

3 P9 is the status hearing order ordering the family
4 service plans.

5 P10 is Mr. Vu's Four C's assessment.

6 P11 is a sworn affidavit written by Ms. Tran, the
7 deceased mother, in anticipation of applying for protective
8 order. That's P11.

9 P12 is the mother's autopsy report indicating time
10 of death was 8:40 p.m. on July 20th, 2015.

11 P13 is the certified copy of the show cause
12 hearing transcript.

13 And I will hold on to the other exhibits. I'll
14 prove them along with my witnesses.

15 MR. CRAIG: No objection, Your Honor, to any
16 of the exhibits offered.

17 THE COURT: What was the last one, 14?

18 MR. NGUYEN: Thirteen, Your Honor.

19 THE COURT: Okay.

20 MR. NGUYEN: I'm gonna hold on to the other
21 exhibits to prove it up through my witnesses.

22 THE COURT: Ready when you're ready.

23 MR. NGUYEN: At this time, Judge, I'd like to
24 call Mr. Vu. Sir, please step forward.

25

1 TRANG VU

2 Having first been duly sworn, testified as
3 follows:

4 DIRECT EXAMINATION

5 BY MR. NGUYEN:

6 Q State your name.

7 A My name's Trang Vu.

8 Q Okay. And you understand why you're here before
9 the Court today, correct?

10 A Yes, sir, I do.

11 Q You've gone through your Four C's evaluation, yes?

12 A Yes, sir, I did.

13 Q Okay.

14 A I went into --

15 MR. NGUYEN: I object to nonresponsive.

16 Q (By Mr. Nguyen) And you've acknowledged
17 the fact that there's been ongoing physical abuse
18 against -- between you and the mother, correct?

19 MR. PHAN: Objection. Assuming facts not in
20 evidence.

21 THE COURT: Objection's overruled.

22 Q (By Mr. Nguyen) You acknowledge that,
23 correct?

24 A We have disagreement about --

25 THE COURT: Here's what --

1 MR. NGUYEN: Objection.

2 THE COURT: You hang on a second. Now here's
3 your obligation today.

4 THE WITNESS: Yes, sir.

5 THE COURT: I don't think anybody's gonna
6 grab you by the feet and turn you upside down and make you
7 do it. But when you're asked a question, if you can answer
8 it yes or no, I strongly suggest you do that. If you want
9 to go off into the weeds with an answer that really ain't
10 gonna help anybody and waste time, probably gonna limit your
11 time here.

12 THE WITNESS: Yes, Your Honor.

13 THE COURT: You understand that, don't you?

14 THE WITNESS: Yes, Your Honor. But he said I
15 abused --

16 THE COURT: There you go. Off in the weeds.

17 MR. PHAN: Just yes or no.

18 THE COURT: Now if you want to remain in
19 here, this is an important day for you. It's your final
20 hearing.

21 MR. PHAN: Yes, Your Honor.

22 THE COURT: And I want you to fully
23 participate.

24 THE WITNESS: Yes, Your Honor.

25 THE COURT: But if for some reason you don't

1 think you can follow the rules or decorum of the Court, I'm
2 just happy for you to be outside and you can find out what
3 happens when it's all over.

4 THE WITNESS: I'm sorry.

5 THE COURT: Well good for you. Now let's go.

6 Q (By Mr. Nguyen) Sir, you admit there was
7 an ongoing domestic violence between you and your
8 wife while she was alive, correct?

9 A No, sir.

10 Q You don't acknowledge that?

11 A No, sir.

12 Q So what your statements in the Four C's evaluation
13 where you beat the mother over the head with the leg of a
14 chair, that's not a true statement?

15 A It is a true statement.

16 Q Okay. So that means your first statement was a
17 lie, yes?

18 A It happened ten years ago. It's not ongoing, sir.

19 Q Okay.

20 A I did make a mistake on that. I saw it. But it's
21 not --

22 Q So you're not acknowledging to any recent, as of
23 last year, any domestic violence between you and your wife.

24 A No, sir.

25 Q Okay. You never threw a chair at her? Is that

1 what you state?

2 A I did that ten years ago.

3 Q Ten years ago?

4 A Yes, sir.

5 Q Okay. That's not what is stated in your Four C's
6 evaluation. You admitted to that --

7 MR. PHAN: Objection. Argumentative.

8 THE COURT: Overruled.

9 Q (By Mr. Nguyen) Okay. Did you ever
10 threaten to hit your wife and then she fell down the
11 stairs?

12 A No, sir.

13 Q That never happened?

14 A She fell down the stairs.

15 Q Yeah. After you raised your hand at her, correct?

16 A No, sir.

17 Q Oh no?

18 A No.

19 Q Then how did she fall down the stairs?

20 A We were arguing about a business, something, I
21 don't remember what it was.

22 Q Oh really? So you never raised your hand like
23 this in that respect?

24 A And she -- no, I did not.

25 Q Oh yeah?

1 A And she had socks on that morning.

2 Q Okay. Did you try to help her up?

3 A I did. I went downstairs. I try.

4 Q Okay.

5 A She fell down. She went down stair and I told
6 her. She did -- that was wrong. And she fell down the
7 stair on her own. I did not push --

8 MR. NGUYEN: Objection. Nonresponsive.

9 THE COURT: Yeah. That's sustained.

10 MR. NGUYEN: Sir, did I get P1 through P13
11 were admitted, Judge?

12 THE COURT: I'm sorry?

13 MR. NGUYEN: P1 thru P13 were admitted?

14 THE COURT: Yeah.

15 Q (By Mr. Nguyen) All right. At any point
16 during the ongoing domestic violence between you and
17 your wife, did your children ever have to jump in to
18 stop you?

19 A There were arguments in the family.

20 MR. NGUYEN: Objection. Nonresponsive.

21 THE COURT: Here you go. You got one more
22 chance. Patience is running out with you. I don't care
23 what you think this is, this is a court proceeding. You're
24 being asked questions. You're gonna answer yes or no if you
25 can and I'm not gonna hear anymore of your explanations.

1 You've got a lawyer there. If he wants to help you make
2 some other kind of excuse or explanation, you better wait
3 for him. You do it one more time, you're outside the
4 courtroom. You understand?

5 THE WITNESS: Yes, sir.

6 THE COURT: I'm not gonna tell you again.

7 THE WITNESS: Yes, sir.

8 MR. PHAN: Your Honor, may I have five
9 seconds to instruct him?

10 THE COURT: Yeah, you may.

11 Q (By Mr. Nguyen) Okay. So you stated
12 earlier that the whole chair throwing thing, that
13 occurred ten years ago?

14 A Yes, sir.

15 Q Okay.

16 MR. PHAN: Asked and answered. Objection,
17 Your Honor.

18 THE COURT: Overruled.

19 Q (By Mr. Nguyen) All right. Have you ever
20 choked your wife?

21 A No, sir.

22 Q Never?

23 A No, sir.

24 Q Okay. You understand that your wife applied for a
25 protective order against you, correct?

1 A No. I'm not aware of that.

2 Q You're not aware of that?

3 A No, sir.

4 Q Do you know about this sworn affidavit that your
5 wife wrote a couple weeks before she passed away, where she
6 alleged February 2015, that you choked her in a parking lot?
7 That you didn't like the advertising postcards that you
8 did -- that she did for the business?

9 A No, sir, I did not.

10 Q You did not?

11 A No, sir.

12 Q You did --

13 A No, sir.

14 Q Okay. Did she ever spit or throw up in the
15 parking lot and then you beat her afterwards?

16 A Yes. She did spit in the parking lot.

17 Q Okay. And you beat her as a result, correct? You
18 got mad at her that day; isn't that true?

19 A Yes, I did get mad at her.

20 Q Okay. You even beat her in the back of the
21 office; is that true? The back of the business.

22 A I did hit her that time, yes, sir.

23 Q You did?

24 A Yes, sir.

25 Q So that was less than ten years ago. That was

1 recent, right? That was recent?

2 A Because I was --

3 MR. NGUYEN: Objection. Nonresponsive.

4 Q (By Mr. Nguyen) Was that recent?

5 A I don't remember what date that was.

6 Q How long have you had your business?

7 A About two years.

8 Q Two years ago. So that's less than ten years ago,
9 right? Yes?

10 A Ten years ago, I hit her with a broken chair.

11 Q Okay. So within the last two years, you hit your
12 wife in the business how many times?

13 A One time.

14 Q One time?

15 A Yes, sir.

16 Q Okay. Just one time in the business?

17 A In the business, yes, sir.

18 Q Okay. But a couple few more times at home then,
19 right?

20 A No, not at home.

21 Q Oh okay.

22 A No, sir. But I --

23 MR. NGUYEN: Objection. Nonresponsive.

24 Q (By Mr. Nguyen) Now in fact, the mother
25 seems to allege that this occurred in May of 2015.

1 Isn't that true?

2 A I don't remember.

3 Q When the mother threw up in the parking lot and
4 then you ended up beating her afterwards?

5 A No, I didn't.

6 MR. PHAN: Objection. Asked and answered.

7 THE COURT: Overruled.

8 Q (By Mr. Nguyen) Your niece had to call the
9 police, didn't she? The police were called out to
10 the business?

11 A Yes. The police did come.

12 Q All right. November 2014. You were choking and
13 hitting your wife because you -- because she cooked raw food
14 for you; is that a true statement?

15 A No, sir. No, sir.

16 Q Okay. So whatever statement that the mother made
17 in this affidavit is a lie?

18 A That's correct.

19 Q Okay. And then the kids had to intervene in the
20 process. They said, Daddy, please don't do that. This is
21 back in November 2014?

22 A I don't remember but I remember the kids did.

23 Q Is that because these incidents just happened so
24 often you just don't know which incident was which? Yes?
25 These happen pretty often, don't they?

1 A It happened several times.

2 Q Several times.

3 A Yes, sir.

4 Q Not just one time. Several times.

5 A Yes, sir.

6 Q One time in the business maybe several times at
7 home, correct?

8 A Yes, sir.

9 Q Choking? Slamming her into the wall?

10 MR. PHAN: Objection. Asked and answered.

11 Q (By Mr. Nguyen) Throwing chairs at her?

12 MR. PHAN: Objection. Badgering the witness.

13 THE COURT: Overruled.

14 Q (By Mr. Nguyen) Ten years ago. That's not
15 what you testified earlier.

16 A In the packing lot --

17 MR. NGUYEN: Objection. Nonresponsive.

18 THE COURT: Get to your next question. Let's
19 go.

20 MR. NGUYEN: Yes, Your Honor.

21 Q (By Mr. Nguyen) So about your children,
22 we'll get off the domestic violence part for a
23 second. About your children. Have you ever hit
24 your children?

25 A No, sir.

1 Q No, sir. Okay. Well that's not what you said at
2 the show cause. The show cause hearing, this is the first
3 hearing that we came to court. Do you remember? Let me
4 refer back to this portion of the transcript where you said,
5 yes, of course I hit them. It's just so they can be
6 disciplined and they can do well in school. Oh you remember
7 now?

8 A Yes.

9 Q Yeah.

10 A I did hit them but not hitting like hurt them.

11 Q Oh really?

12 A I just like discipline them.

13 Q Oh okay. So does disciplining them require
14 hitting your daughter over the head with a soda can because
15 she refuses to wear a Muslim scarf for school?

16 A No, sir. I did not do that.

17 Q Really? That's a lie?

18 A Yes, sir.

19 Q If your daughter made that outcry, that would be a
20 lie.

21 A Yes, sir.

22 Q So how do you explain the bruise that was found on
23 her head that day?

24 A There was no bruise, sir.

25 Q Okay. Have you ever tried to inflict fear on

1 them?

2 A No, sir.

3 Q Never?

4 A No, sir.

5 Q Have you ever tried to wave a BB gun in their
6 general direction?

7 A No, sir.

8 Q Never?

9 A No, sir.

10 Q So at one point, when they were like nine or
11 ten --

12 A I --

13 MR. NGUYEN: Objection. Nonresponsive.

14 THE COURT: Just answer the question asked.

15 Q (By Mr. Nguyen) At one point, did you like
16 waive a BB gun in their general direction and they
17 ran off to the neighbor's house?

18 A No, sir.

19 Q Never?

20 A No, sir.

21 Q When they were nine or ten?

22 A No, sir.

23 Q So that's a lie?

24 A Yes, sir.

25 Q Okay. Your children were lying?

1 A Yes, sir.

2 Q Okay. So what about the time when you found out
3 they were lying about doing their homework and then you
4 drove them to -- close to a river and then took an ax out
5 threatening to kill them?

6 A No, sir.

7 Q Really?

8 A No, sir.

9 Q That never happened?

10 A No, sir.

11 Q All right. And this is -- this could have
12 happened around like when they were ages nine or ten; fourth
13 or fifth grade?

14 A It never happens to the kids.

15 Q It never happens. But you used it as a scaring
16 tool, correct?

17 A No.

18 Q You like to inflict fear on them?

19 A No, sir.

20 Q Never?

21 A No, sir.

22 Q Okay. So you do acknowledge you hit your wife
23 over the head before with the leg of a chair, correct?

24 A No. No, sir.

25 Q Never?

1 A No, sir.

2 Q Okay. So let's talk about the evening your wife
3 passed away. Now prior to that, you met with Ms. Kelly
4 Armstrong?

5 A Yes.

6 Q She was the first conservatorship worker.

7 A Right.

8 Q And she was discussing with you about your family
9 service plan?

10 A Yes, sir.

11 Q And she also discussed about the high possibility
12 that the children were gonna be -- likely be returned home
13 to your wife.

14 A Yes. Yes, we talked about that.

15 Q How did that make you feel?

16 A Good.

17 Q It made you feel good?

18 A Yes, sir.

19 Q Well would it surprise you to know that your --
20 that we've been told that you were extremely angry, very
21 enraged that evening -- that afternoon?

22 MR. PHAN: Objection. Assuming facts not in
23 evidence.

24 THE COURT: Overruled.

25 Q (By Mr. Nguyen) Were you mad that day?

1 A About what?

2 Q About the fact that your children could go back
3 home to the mother and not you.

4 A No.

5 Q No?

6 A No, sir.

7 Q No?

8 A No, sir.

9 Q This occurred early around 3:00 p.m., correct,
10 this conversation, 3:00 p.m. in the afternoon with the
11 caseworker?

12 A We had discussions with the caseworker.

13 Q How did that discussion go? Tell me.

14 A Several meetings. And we had plan with the
15 caseworker to return the kids back to us.

16 Q Okay. You didn't scream at her?

17 A No, sir.

18 Q You didn't say no one can ever take care of my
19 kids better than me?

20 A Yes, I did say that.

21 Q You did say that?

22 A Yes.

23 Q My wife can never take care of my kids better than
24 me. Isn't that what you said? That is what you said, yes?

25 A I believe I say that.

1 Q Okay. So the whole idea of your wife getting the
2 kids and not you, that infuriated you, didn't it?

3 A No, sir.

4 Q No?

5 A No, sir.

6 Q You were okay with that?

7 A Yeah. I'm okay with that.

8 Q How did you feel when your wife filed for divorce?

9 A That was a plan that you don't understand.

10 Q Okay.

11 A How do I feel --

12 MR. NGUYEN: Objection. Nonresponsive.
13 Okay.

14 MR. PHAN: Objection, Your Honor. The
15 witness was answering the question and Mr. Nguyen didn't
16 allow the witness --

17 MR. NGUYEN: I believe he answered it.

18 THE COURT: Move along.

19 MR. NGUYEN: All right, Your Honor.

20 Q (By Mr. Nguyen) So then -- so that
21 conversation with the caseworker took place on
22 July 20th, correct?

23 A I don't remember.

24 Q Okay. That day, then you -- I don't know if you
25 went back to work or you went back to the salon where your

1 wife worked, correct?

2 A I don't -- I don't remember what I did on that
3 day.

4 Q You don't remember. Well do you remember the day
5 your wife died?

6 A Yes, sir, I do.

7 Q Okay. So you know that -- you admit that you were
8 there the night before. Yes?

9 A The night before she died?

10 Q The night she died.

11 A I was there, yes.

12 Q You were there?

13 A Yes, sir.

14 Q Okay. What time did you leave the salon?

15 A About 7:00, 8:00 o'clock.

16 Q 7:00 or 8:00 --

17 A I don't remember but it's late in the evening.

18 Q 7:00 or 8:00 o'clock.

19 A It was late in the evening.

20 Q Late in the evening. And your business hours open
21 until what time at that time?

22 A About 7:00 and 8:00 o'clock.

23 Q Okay. What were you doing there?

24 A I was there helping clean up the show that we had,
25 the beauty show that we had on that day.

1 Q Okay.

2 A After work, I went to my wife store to help her
3 clean up the place.

4 Q All right. And did you wait for her?

5 A After I clean up the place?

6 Q Yeah.

7 A No, sir, I didn't.

8 Q Why didn't you wait for her?

9 A Because everybody left the store. And she leave
10 the store go back to her friend's house and I go back to my
11 house.

12 Q Okay. Your friend Cindy, right?

13 A Yes, sir.

14 Q Okay. How is Cindy related to you or her?

15 A She's a friend.

16 Q She's a friend?

17 A And also a business partner.

18 Q Business partner of the salon?

19 A Yes.

20 Q So during that time, you and your wife were
21 separated, correct?

22 A Yes.

23 Q Okay. And it was your understanding that your
24 wife was gonna go home to Cindy's house.

25 A Yes, sir.

1 Q And Cindy, at any point -- didn't Cindy call you
2 and let you know she never made it home?

3 A Yes, sir, she did.

4 Q So she did tell you that?

5 A Yes.

6 Q When did she tell you?

7 A She called me about -- I think 1:00 o'clock. 1:00
8 a.m.

9 Q 1:00 a.m.?

10 A Yes, sir.

11 Q Okay. What did you do after that?

12 A I continue working on my computer, pay bills on my
13 computer.

14 Q So it didn't concern you that your wife didn't
15 come home?

16 A Yes. I told Cindy that. Yes. She usually stay
17 with you but she didn't come home, she stay at Anna's house.

18 Q Did you confirm that?

19 A No. I didn't call Anna's house.

20 Q So you weren't really concerned, were you?

21 A Yes.

22 MR. PHAN: Objection. Argumentative.

23 A Yes.

24 THE COURT: Overruled.

25 Q (By Mr. Nguyen) How do you know she was at

1 Anna's house? You didn't confirm it?

2 A Because Anna and Cindy are her best friend.

3 Q Okay.

4 A I think her best friends.

5 Q If that were the case, then Anna would have called
6 you and told you that she didn't make it home.

7 A But I didn't call Anna.

8 MR. PHAN: Objection.

9 Q (By Mr. Nguyen) Did you try to call your
10 wife at all --

11 A I did --

12 Q -- to confirm where she was?

13 A -- call my wife.

14 Q How many times throughout the night did you try to
15 call your wife?

16 A Several times.

17 Q Several times?

18 A Yes, sir.

19 Q Did you go to sleep that night?

20 A Yes, I went to sleep.

21 Q Okay. And the last time you saw your wife was
22 where?

23 A The last time?

24 Q Yes.

25 A At that nail -- at the business place.

1 Q Okay. So wouldn't a reasonable husband think of
2 actually going back to the last place where he saw the wife?

3 A I did not go back. I continued working on the
4 computer paying bill and I didn't go back to the store.

5 Q Oh okay. And your wife's body was discovered the
6 next morning?

7 A Yes, sir.

8 Q Right? Not you. Someone else, correct?

9 A That's correct. My friend call me.

10 Q Okay. And you stated that you made several
11 attempts to call your wife. Did she answer?

12 A No, she didn't answer.

13 Q And so that didn't, like raise a red flag to you?
14 Like oh my wife's missing?

15 A I left --

16 MR. PHAN: Object. The witness already
17 testified that there was --

18 THE COURT: Your objection's overruled.

19 A I left her voice message.

20 MR. NGUYEN: Objection. Nonresponsive.

21 THE COURT: Just answer the question.

22 A Yes, sir.

23 Q (By Mr. Nguyen) You left her several voice
24 messages?

25 A Yes, sir.

1 Q But the fact that -- did she ever return those
2 calls?

3 A No, she didn't call me back.

4 Q Right. Because she was dead then, yes?

5 A I don't know.

6 MR. PHAN: Objection. Your Honor.
7 Argumentative.

8 THE COURT: Objection's overruled.

9 Q (By Mr. Nguyen) Okay. So the fact is --
10 the fact of the matter is, you called her several
11 times, left voice messages, she never called you
12 back. You didn't hear from her the rest of the
13 whole night and you did nothing about it?

14 A I call. I tried to contact her.

15 Q Okay.

16 A But she didn't call me back and I left her voice
17 message. That's all I did.

18 Q Okay. That's all you did?

19 A Yes, sir.

20 Q You live on the 9226 Sand Stone, correct?

21 A Yes, sir.

22 Q All right. That's driving distance. That's six
23 minutes away from the business, correct?

24 A Yes, sir. Correct.

25 Q Okay. It would not be an inconvenience to you,

1 for you to take a drive over there and see where she was if
2 she was still there?

3 A Yes, I could have went back to the store.

4 Q But you didn't do that, did you?

5 A No, sir, I didn't.

6 MR. PHAN: Objection, Your Honor. Asked and
7 answered.

8 THE COURT: Your objection's overruled.

9 Q (By Mr. Nguyen) Because you already knew
10 she was dead; isn't that true?

11 A No, sir.

12 Q Now what was the basic theory that you thought
13 could have happened to your wife?

14 A At, I think at 12:00 o'clock, no at 11:00 o'clock,
15 another friend of her call me. She wants me -- okay.
16 Where's your wife. I want to buy some product at the store.

17 Q At 11:00 o'clock p.m.?

18 A Yes, sir. And she call me and I told her, well
19 the business -- the show is over. It's closed. Everybody
20 left the store. Nobody's at the store. And she say that,
21 well she at the store. And I told her well it's closed.
22 And then there's nobody there. And she went home. She told
23 me she want to buy some product that she was waiting for my
24 wife. She went home. I think she went home.

25 Q Okay.

1 A So I think maybe my wife at that point, she went
2 back to the store by herself at night, at 11:00 o'clock at
3 night.

4 Q Okay.

5 A By herself.

6 Q By herself?

7 A And that's when they attack her at night.

8 Q All right. At -- I mean you remember Officer
9 Gilbert?

10 A Yes, sir, I remember.

11 Q During his interviews with you --

12 A Yes, sir.

13 Q -- didn't he tell that you and her were the last
14 persons to leave the store?

15 A With the -- that's two other teacher. Four of us.

16 Q Okay.

17 A No. Four of us -- three of us -- four of us was
18 the last people in the store.

19 Q And did you handle the money in the store?

20 A I don't handle the money.

21 Q You're a bookkeeper, aren't you?

22 A I help her with other work. Yes, sir, I'm the
23 bookkeeper, but I don't handle that transaction that night.

24 Q Okay.

25 A My wife counts the money --

1 MR. NGUYEN: Objection. Nonresponsive.

2 Q (By Mr. Nguyen) Were you two driving two
3 separate vehicles --

4 A Yes, sir.

5 Q -- that day?

6 A We have two cars.

7 Q Okay. So you never checked up on your wife for
8 the rest of -- I mean you tried to, you allege you did?

9 MR. PHAN: Objection. Argumentative. Are
10 you asking --

11 THE COURT: Your objection's overruled.

12 Q (By Mr. Nguyen) Okay. So what do you
13 think happened to your wife? Who do you think is
14 responsible?

15 A At 11:00 o'clock, she went because a friend call
16 so she went back to store.

17 MR. NGUYEN: Objection. Nonresponsive.

18 Q (By Mr. Nguyen) Who do you think is
19 responsible for killing your wife?

20 A The African American guy and his friends.

21 Q What African American guys?

22 A The guy that came inside the store that day and
23 check out us inside the store.

24 Q How do you know that was him?

25 A I saw him.

1 Q You saw him do it?

2 A No, no. I saw him came in.

3 Q Oh.

4 A But I didn't saw him kill my wife.

5 Q Okay. So you're just speculating to the fact that
6 just because he poked his head in the door that he must have
7 killed your wife?

8 A Several times.

9 Q Several times?

10 A Yes, sir.

11 Q Okay. Wasn't he eating next door at Hank's
12 Crawfish for a while?

13 A Yes. Until he went back outside, he talk with his
14 friends inside that car. That's all I know.

15 Q Okay. So you were scared of these African
16 American individuals, correct?

17 A Well at first I thought he's -- it's weird.

18 Q Okay.

19 A They didn't think right.

20 Q Did you go inside your car to go get your gun?

21 A Yes, I did. I went back --

22 Q Okay.

23 A -- inside my car to get the gun. Yes, I did.

24 Q Okay. You went in your car, you went to get your
25 gun. Did you go back out?

1 A Go back out, yes, I did.

2 Q You did? You went back inside the store?

3 A Yes, I did.

4 Q Okay. So when you went back inside the -- when
5 you went to go home, you went back in your car, yes?

6 A Yes, sir.

7 Q You saw your wife lock up?

8 A I didn't see my wife lock up.

9 Q You did not see?

10 A No, I did not see her lock into the store.

11 Q Okay. And so who did lock up the store?

12 A My wife locked the store every day by herself.

13 Q Okay. So you knew she was gonna be the last one
14 out?

15 A Yes. She gonna lock the door.

16 Q Okay. Then you were scared of these African
17 Americans in a parking lot to go get your gun but you
18 didn't -- you weren't scared enough to stay back and make
19 sure that your wife was safe. Yes? Yes or no?

20 A I made that --

21 Q Yes or no?

22 A Yes, sir.

23 Q You were not scared enough to stay behind to make
24 sure that your wife was safe?

25 A I made that mistake.

1 Q Okay. So your theory is, what happened at the --
2 at the salon was a robbery. Is that what your assumption
3 is?

4 A Yes. Yes, sir.

5 Q Okay.

6 MR. NGUYEN: Judge, I'm gonna offer P14 --
7 and these are some photographs. P14, P15, P16.

8 Q (By Mr. Nguyen) Sir, this is the shopping
9 center which the salon was located, correct?

10 A Right.

11 Q Right here?

12 A Yes, sir.

13 Q Salon, Hanks Crawfish?

14 A Yes, sir.

15 Q Okay. Your salon was located right here?

16 A Yes, sir.

17 Q Okay.

18 MR. NGUYEN: P14.

19 Q (By Mr. Nguyen) That fairly and accurately
20 depicts the shopping --

21 A Yes. The picture.

22 Q Okay. P15 and P16 are the Google maps I have of
23 the location of the shopping center as well as the location
24 of your house?

25 A Yes, sir.

1 Q P15, P16, fair and accurate depiction of the
2 location?

3 A Right.

4 Q Of your house and business?

5 A Right.

6 MR. NGUYEN: P15, P16.

7 MR. CRAIG: No objection.

8 Q (By Mr. Nguyen) Okay. So did you retrieve
9 the car, your wife's car?

10 A Mr. Gilbert give back the car. Give me the car
11 back.

12 Q Okay. And it was a RAV 4, right?

13 A Right.

14 Q The keys were still in the ignition?

15 A When I pick up the car at the garage, the tow
16 garage, yes. They left the keys so I can pick up the car.

17 Q Okay.

18 MR. NGUYEN: Pass the witness, Judge.

19 C R O S S E X A M I N A T I O N

20 BY MR. PHAN:

21 Q Mr. Nguyen (sic), what was the reason why you
22 leave, you decide to leave the business before your wife
23 leave? Is that normal in the course of your business
24 operation?

25 MR. NGUYEN: Objection. Relevance.

1 THE COURT: That's sustained.

2 Q (By Mr. Phan) There was a divorce on
3 record and you testified earlier that you -- that
4 your wife agree to file for divorce as a fact
5 against CPS?

6 A Yes, sir.

7 Q Did you discuss this plan with anyone else?

8 A Yes. We talk with another attorney.

9 Q What's the name of that attorney?

10 A Tao Tran.

11 Q Okay. What did you discuss with her?

12 MR. NGUYEN: Objection. Relevance.

13 THE COURT: That's sustained.

14 Q (By Mr. Phan) Okay. Anyone else that you
15 discussed with?

16 A Cindy.

17 MR. NGUYEN: Objection. Relevance.

18 THE COURT: That's sustained.

19 MR. PHAN: No further questions, Your Honor.
20 Pass the witness.

21 C R O S S E X A M I N A T I O N

22 BY MR. CRAIG:

23 Q Mr. Vu?

24 A Yes, sir.

25 Q Today you testified that you hit your wife with a

1 broken chair.

2 A Yes, sir.

3 Q You beat your wife in the parking lot?

4 A Yes, sir.

5 Q And you remember testifying on July 7th of last
6 year in this court on record where you said, and I quote,
7 when I asked you if you've ever choked your wife in front of
8 the kids, you said, yes, I did. I tried to choke her but I
9 didn't mean it because I was mad?

10 A Yes, sir.

11 Q So there's been a lot of instances of domestic
12 violence between you and your wife?

13 MR. PHAN: Objection.

14 A That was one time ten years ago, sir.

15 Q (By Mr. Craig) Okay. Now in regards to
16 this African American gentleman you were talking
17 about is a suspect in your mind, correct?

18 A Yes, sir.

19 Q Was there an altercation between that person and
20 your wife?

21 A I don't think so.

22 Q No prior history?

23 A With the African American guys --

24 Q Right.

25 A -- and my wife?

1 Q Right. Any problems before that?

2 A Yes.

3 Q Oh really, what was that?

4 A Yes, sir. But I don't know if it's him or
5 somebody else.

6 Q Do you know if there was a prior incident between
7 this person you're talking about and your wife? Yes or no?

8 A No.

9 Q Does your wife have a restraining -- try to get a
10 restraining order against him?

11 A I don't know.

12 Q But she got one against you, didn't she? She
13 tried to get one against you?

14 A I don't know.

15 Q You don't remember that?

16 A He told me that. I don't know.

17 Q Okay. How do you explain, H.P.D. during the
18 investigation and their position is that you have been
19 untruthful and you failed a polygraph.

20 A Yes, he told me that.

21 Q You find that odd?

22 A Yes, sir, I find that odd. Can I explain?

23 Q No.

24 MR. NGUYEN: No.

25 Q (By Mr. Craig) Now in regards to your

1 children. You find it strange that both your
2 children do not want to be reunified with you?

3 A I don't know that.

4 MR. PHAN: Objection. Assume facts not in
5 evidence.

6 THE COURT: Objection's overruled.

7 Q (By Mr. Craig) You are aware that your
8 children are very afraid of you?

9 A No, sir.

10 Q No. You are aware that your children have
11 reported numerous incidents of domestic violence where you
12 consistently beat your wife and terrorize the children?

13 A No, sir.

14 Q Are your children lying if they say that?

15 A Yes, sir.

16 Q Why would they lie?

17 A Because they think it's terrorizing the family but
18 I did not, sir.

19 MR. CRAIG: I pass the witness.

20 THE COURT: Anything else?

21 MR. NGUYEN: One more follow up.

22 R E D I R E C T E X A M I N A T I O N

23 BY MR. NGUYEN:

24 Q Sir, a year prior to the death of your wife, you
25 and your wife went to go apply for a life insurance policy,

1 correct?

2 A No, sir.

3 Q Never?

4 A No. Never.

5 Q You never took out a \$275,000 insurance policy on
6 your wife's life?

7 A Yes.

8 Q You did?

9 A Yes, sir.

10 Q Okay. So now you did?

11 A Yes.

12 Q But not on you? Yes?

13 A No. We had two policy. That was ten years ago.

14 Q You didn't apply for one in 2014?

15 A No, sir.

16 MR. NGUYEN: Pass the witness, Judge.

17 THE COURT: Next witness.

18 MR. NGUYEN: This detective.

19 WENDELL GILBERT

20 Having first been duly sworn, testified as
21 follows:

22 D I R E C T E X A M I N A T I O N

23 BY MR. NGUYEN:

24 Q Sir, please state your name.

25 A Wendell Gilbert.

1 Q And you are employed where?

2 A I work at the Houston Police Department, homicide
3 division.

4 Q All right. And you are the prime investigator in
5 the murder of Ms. Tuyet Tran, correct?

6 A I am.

7 Q And you believe Mr. Trang Vu is the person of
8 interest or is he a primary suspect?

9 A He's the primary suspect right now.

10 Q Okay. And you've had how many interviews with
11 Mr. Vu?

12 A I had a couple at the scene. And then from the
13 same day we brought -- went back down to Travis and
14 interviewed him again. I believe the following day after
15 that, we had -- he came in for the polygraph. And then he
16 was interviewed that day as well.

17 Q Okay. And now you heard the testimony of the
18 father stating that he believes it was some African American
19 gentleman who killed his wife because he just went inside
20 the store.

21 A I did.

22 Q You heard that, correct? And he tried to make it
23 seem like this was, in fact, a robbery, correct?

24 A Yes.

25 Q Based on the evidence that you have reviewed and

1 discovered in all the photographs and such, in your mind, do
2 you feel that this was, in fact, a robbery?

3 A No, I do not.

4 Q Okay.

5 MR. NGUYEN: Judge, I'm also gonna offer P17,
6 P18, P19, P20, P21, P22, P23, P24, P25, P26, P27, P28, P29,
7 P30, P31, P32, P33, P34, P35, P36, P37, P38, P39, P40.

8 Q (By Mr. Nguyen) These are photographs that
9 you provided for me?

10 A Yes.

11 Q And these are all taken as a part -- during the
12 course of your investigation.

13 A Yes.

14 Q And they fairly and accurately depict the
15 conditions that were proposed today?

16 A Yes, sir.

17 MR. NGUYEN: I'm offering what's marked as
18 P17 through P40, Your Honor.

19 MR. CRAIG: No objection.

20 THE COURT: They're admitted.

21 MR. PHAN: Let me see.

22 Q (By Mr. Nguyen) And so when you --

23 MR. PHAN: No objection.

24 Q (By Mr. Nguyen) I'm sorry. When you
25 arrived at the scene, what in there made you believe

1 this was not, in fact, a robbery?

2 A At the scene, I didn't think it was a robbery just
3 all the items that were scattered around. It seemed pretty
4 clean for, you know, for somebody that -- when I was on
5 patrol and made several robberies, you know, they typically
6 make a good size mess and there was no forced entry.

7 Q Okay. There's no forced entry?

8 A Right.

9 Q There's no forced entry into the cash register,
10 correct?

11 A Correct.

12 Q This was a pretty violent homicide.

13 A Yes.

14 Q But everything else still seemed to be pretty in
15 place?

16 A Yes.

17 Q And there was the mother's credit cards?

18 A Yes, they were all there.

19 Q What were -- that are in -- displayed in P22,
20 correct? And when you or anyone were to arrive at the
21 scene, all of this was in plain view, correct?

22 A Yes, sir.

23 Q And if anyone was to rob the place, most likely
24 they would have taken that?

25 A Yes.

1 Q Was there any cash laying around?

2 A There was some change on the floor and cash in her
3 pockets sticking out.

4 Q Cash in her pockets sticking out. So if a person
5 was actually to rob the place, they would have taken that
6 cash too, correct?

7 A Yes, sir.

8 Q There was also some phones found in the back
9 office, correct?

10 A Yes.

11 Q Specifically, where were those phones found?

12 A They were actually -- she was in the back room
13 where she was killed but the bathroom was right by it.

14 Q Okay.

15 A And they were found in the bottom of the trash can
16 underneath a bunch of other trash.

17 Q Okay. And so those phones, what condition were
18 they?

19 A They were smashed.

20 Q They were smashed, right? So if a robber were to
21 come into the store and actually rob the place, don't you
22 think that would be a valuable item a robber would take with
23 them?

24 A Yes.

25 Q But in fact you found it in a trash can?

1 A Yes.

2 Q Conveniently in the woman's restroom?

3 A Yes.

4 Q And the father owns a firearm, correct?

5 A Yes, sir.

6 Q What kind?

7 A It's a revolver.

8 Q A revolver.

9 A Yes.

10 Q I believe it's a .38?

11 A I believe so but I'd have to look to confirm it.

12 Q And you saw the -- there's an indentation on the
13 phone --

14 A Yes, sir.

15 Q -- correct? That was on a Samsung?

16 A Yes.

17 Q Were you able to match the butt of that gun with
18 the indentation on the phone?

19 A Yes. I physically had the butt of the gun and I
20 set it into the indentation and it fit perfectly.

21 Q Okay. So you believe it was the father's gun who
22 caused the damager on that phone?

23 A I do.

24 Q And it was thrown in the trash can. Okay. And
25 then you found the car?

1 A Yes, we did.

2 Q Now when you arrived at the scene around the
3 parking lot, you see what's marked as P17, P18, P19, P20.
4 This is a RAV 4?

5 A Yes, sir.

6 Q Mother's car. At that part, in that general area,
7 did you see any broken glass?

8 A No.

9 Q No broken glass. So at the location where you did
10 find the car, did you find any broken glass?

11 A It was busted inside the car, yes.

12 Q What about outside?

13 A I can't speak to that. My partner made that scene
14 there.

15 Q Okay. So were the keys still in the ignition?

16 A They were.

17 Q They were still in the ignition at an abandoned
18 location. Any person who would have wanted to hijack the
19 car, steal the car, they would have, correct?

20 A Yes.

21 Q If that, in fact, was stealing the car from that
22 parking lot.

23 A Yes.

24 Q No robber would just take the car and leave the
25 keys --

1 MR. PHAN: Objection. Argumentative,
2 speculative.

3 THE COURT: Objection overruled.

4 A Correct.

5 Q (By Mr. Nguyen) That's very highly
6 unlikely, based on your experience and training in
7 law enforcement and such, you don't believe a
8 reasonable -- a robber would do that.

9 A No, I don't.

10 Q So that would rule out the father's theory that
11 this was a robbery?

12 A Yes, sir.

13 Q You believe this was a violent and personal
14 murder, don't you?

15 A I do.

16 Q Okay. And you're saying this as the detective and
17 based on your training and experience, you believe the
18 father is responsible for his wife's death?

19 A I do.

20 Q And you had -- you had a opportunity to review
21 over the mother's medical -- the medical examiner's report.
22 And the autopsy report that you provided -- autopsy photos
23 that you provided for me, they fairly and accurately reflect
24 the information as stated in that report?

25 A Yes.

1 Q The skull on Ms. Tran's head shows six points of
2 impact?

3 A Yes.

4 Q Do you have any idea what the instrument that was
5 used to cause the death of this victim?

6 A We're thinking it's a hammer at this point right
7 now.

8 Q Okay.

9 MR. NGUYEN: Pass the witness.

10 C R O S S E X A M I N A T I O N

11 BY MR. PHAN:

12 Q Thank you for testifying today, Detective.

13 During your investigation, who did you
14 interview first regarding who found the victim that morning?

15 A I can't tell you the order right now but I know
16 that I interviewed the students there and also the -- Anna,
17 I think it was Anna there.

18 Q Uh-huh.

19 A There at the scene. Because they showed up the
20 next morning to teach and take the class and also Hai Pham.

21 Q And why was it on your report, investigation
22 report, that you listed Mr. Vu as the one who found the
23 victim?

24 A I don't believe I did. Cause he was never allowed
25 into the business there. He showed up but officers were

1 already there. He wasn't allowed in at any point that day.

2 Q Uh-huh. So I'd like to divert your attention to
3 the Harris County investigative report. It's listed the
4 decedent to be found at by spouse. And the same fact is
5 being repeated throughout many documents provide by Harris
6 County H.P.D. And it made its way into numerous CPS
7 investigation report.

8 A That's not my document.

9 Q Do you have any idea who --

10 A Yeah. Reportee, crime scene unit Bar.

11 Q Uh-huh. Okay. Do you have any explanation why a
12 very simple fundamental fact, who found the victim was
13 incorrect?

14 A I can't speak to that. I didn't file that report.

15 Q Are you the investigator in charge?

16 A I am.

17 Q So you did not make any effort to recognize or to
18 fix the circumstance?

19 A To do what?

20 Q To fix mistakes?

21 A It's documented in my report who was there.

22 Q Okay. Did you interview Anna Tran and Hai Pham?

23 A I enter -- yes, I did. At the scene.

24 Q Okay. Are they the one who found the victim that
25 morning?

1 A Yes, they went in, yes.

2 Q Okay. And what did they see to your knowledge of?

3 A I know Anna was there before Hai to teach the
4 class. She thought the business was locked cause all the
5 lights were out. So she called Mr. Trang and he said, well
6 she should probably be on her way. Hai Pham showed up,
7 because they were supposed to have a meeting at 11:00 with
8 Cindy and Melvin and he showed up. And so evidently before
9 that, Anna had called the police or they tried to call
10 police, she was evidently nervous. So she had one of the
11 students call 911 thinking it was a burglary.

12 And so in the meantime, police go ahead and
13 arrived. So when Hai showed up, he went in to look. And
14 whenever he went in, he first saw a leg in the back room and
15 so he went out.

16 Q Okay.

17 A He called Mr. Trang. And before he got there, he
18 called Mr. Trang saying, hey, you know, where's Anna. And
19 he said, I don't know, she should be there. I think is
20 what -- let me look. I don't want to misspeak on this.
21 Hang on.

22 I know that Mr. Hai Pham had asked Trang to
23 send over Cindy's phone number so he can call her because he
24 had said that -- to do that. Mr. Trang never did send the
25 number. And so Mr. Trang or Hai Pham then called Trang back

1 and Trang said just call the police. Hang on one second.

2 Q Take your time.

3 THE COURT: All right. We're gonna break for
4 lunch. Be back about 1:15. See you then.

5 (Lunch recess taken. Off the record.)

6 (Open court. All parties present.)

7 MR. CRAIG: Start with Mr. Phan and he's
8 gonna offer up the relinquishment on behalf of his client.

9 THE COURT: All right. Very good.

10 MR. NGUYEN: Back on the record in the
11 interest of D [REDACTED] and P [REDACTED] T [REDACTED]. Cause No. 2015-03795J
12 after the break. I believe Mr. Phan has had discussions
13 with his client concerning a relinquishment. Mr. Phan.

14 MR. PHAN: Thank you.

15 TRANG VU

16 Having first been duly sworn, testified as
17 follows:

18 D I R E C T E X A M I N A T I O N

19 BY MR. PHAN:

20 Q Mr. Vu, will you please come up and state your
21 full name for the Court record.

22 A Trang Vu.

23 Q Okay. Will you confirm that you're the father of
24 the two children D [REDACTED] T [REDACTED] and P [REDACTED] T [REDACTED] in this case?

25 A Yes.

1 Q And you have been presented with a irrevocable
2 affidavit of voluntary relinquishment of parental rights,
3 and you were explained every part thereof and page of this
4 document?

5 A Yes, I do. Yes.

6 Q Okay. And you were fully informed of your rights
7 as a parent and that you voluntarily and knowingly agree to
8 terminate -- termination of your right?

9 A Yes.

10 Q By signing this agreement?

11 A Yes.

12 Q And barring up your rights, you agree to grant the
13 Department of Family and Protective Services all your
14 parental rights?

15 A Yes.

16 Q Or any adoptive parents?

17 A Yes.

18 Q And you agree that termination is done in the best
19 interest of the children -- your children?

20 A Yes.

21 Q Okay.

22 MR. PHAN: No further questions.

23 MR. NGUYEN: Offer it.

24 MR. PHAN: And I would like to offer to the
25 Court Exhibit F1 for the record.

1 THE COURT: All right. It's admitted and
2 accepted by the Court. His rights are terminated under
3 161.001.1 (K). Anything else?

4 MR. CRAIG: No, sir.

5 MR. NGUYEN: And also under the
6 circumstances, I ask the Court to declare Ms. Tran as
7 deceased in this case.

8 THE COURT: Yes.

9 MR. NGUYEN: And we'll set it for entry on
10 July 7th.

11 THE COURT: Okay.

12 MR. CRAIG: Thank you, Judge.

13 MR. PHAN: Thank you, Judge.

14 THE COURT: You're excused.
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25

1 THE STATE OF TEXAS)

2 COUNTY OF HARRIS)

3 I, Julia M. Rangel, Official Court Reporter in and
4 for the 314th District Court of Harris County, State of
5 Texas, do hereby certify that the foregoing contains a true
6 and correct transcription of all portions of evidence and
7 other proceedings requested in writing by counsel for the
8 parties to be included in this volume of the Reporter's
9 Record, in the above-styled and numbered cause, all of which
10 occurred in open court or in chambers and were reported by
11 me.

12 I further certify that this Reporter's Record of
13 the proceedings truly and correctly reflects the exhibits,
14 if any, admitted, tendered in an offer of proof or offered
15 into evidence.

16 WITNESS MY OFFICIAL HAND this the 11th day of
17 July, 2016.

18 /s/ Julia M. Rangel
19 JULIA M. RANGEL, Texas CSR 6412
20 Expiration Date: 12/31/16
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